

Email to: egc@parliament.qld.gov.au

7 January 2020

Committee Secretary
Economics and Governance Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Sir / Madam

RE ELECTORAL AND OTHER LEGISLATION (ACCOUNTABILITY, INTEGRITY AND OTHER MATTERS) AMENDMENT BILL 2019 (THE BILL)

Thank you for the opportunity (albeit over the December / January festive period) to make comment regarding the Bill.

On behalf of Isaac Regional Council and with knowledge of the Mayor and Councillors I have reviewed the Bill as it might relate to local governments and can offer some observations.

On the whole the changes proposed in the Bill are fairly sensible and worthy of support. There are a few aspects though that may be worthy of a submission;

1. There is a narrowing of the "Ordinary Business" exemption from declaring interests. The definition of "ordinary business matter" is in Schedule 4 of the existing LG Act and states as follows with the sections I suggest should be restored in the Bill being those highlighted;

"ordinary business matter means—

- (a) the remuneration of councillors or members of a local government committee; or
- (b) the provision of superannuation entitlements or accident insurance for councillors or local government employees; or
- (c) the terms on which goods, services or facilities are to be offered by the local government for use or enjoyment of the public in the local government area; or
- (d) the making or levying of rates and charges, or the fixing of a cost-recovery fee, by the local government; or
- (e) a planning scheme, or amendment of a planning scheme, for the local government area; or
- (f) a resolution required for the adoption of a budget for the local government; or
- (g) a matter that is of interest to a person merely as—
 - (i) an employee of the State or a government entity; or
 - (ii) an elector, ratepayer or resident of the local government area; or
 - (iii) a beneficiary under a policy of accident insurance, public liability or professional indemnity insurance held, or to be held, by the local government; or
 - (iv) a user of goods, services or facilities supplied, or to be supplied, by the local government (whether under a contract or otherwise) as a member of the public in common with other members of the public; or

- (v) a candidate for election or appointment as a mayor, deputy mayor or member of a committee of the local government; or
 - (vi) a member of a non-profit, charitable or religious organisation involving no personal financial gain or loss to the person."
2. Breaching conflict of interest declaration or registering interests will be a criminal offence for both State and Local Government members – a very clear and strong onus on elected members.
 3. New “prescribed” and “declarable” conflicts of interest are well structured and supportable.
 4. New “sponsored travel and accommodation” declarations are well structured and supportable.
 5. Timeframes for filling vacancies of Mayor and Councillors have been changed which has some logic but make it necessary to fill vacancies only 3 months before next election instead of six months, This might make a new Councillor’s role somewhat superficial if practically only in the seat for a matter of weeks.
 6. The new provisions for Councillors’ Advisors are of greatest concern in my mind – allowing any Councillor to appoint one or more Advisors (employees) that report to them. This will only apply to “Prescribed Councils” by Regulation so we don’t know which Councils at this time. It may be only Category 4 Councils and above (ie not including Isaac Regional Council which is Category 3). Councils (other than the very large and political Councils which might benefit from these provisions) should be concerned if they are prescribed though due to the costs and complications of creating numerous new quasi-political roles. I strongly recommend therefore that before any Ministerial prescription is imposed by Regulation, there should be meaningful consultation with affected Councils. If this cannot be guaranteed I would prefer to see the new provisions omitted from the Bill.

I understand that the Committee is also reviewing Election Campaign Expenditure Capping and seeks comments on that. I don’t have strong views about the capping in principle but I make the simple point that if modest (low monetary value) caps are applied (as with NSW case for example), it might make it difficult for a candidate for a Mayor or a Councillor in an undivided Council to reach electors especially in large geographic areas where costs of campaigning can be naturally high due to market characteristics and remoteness.

I trust that these observations are of some value.

Yours faithfully



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